

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: CATALDO J. GARZELLA
Debtor(s)
JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant
vs.
CATALDO J. GARZELLA
Respondent(s)

CHAPTER 13

CASE NO: 5-19-04123-HWV

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on June 15, 2021, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on October 9, 2020.
2. A hearing was held and an Order was entered on March 3, 2021 directing that an amended plan be filed within sixty (60) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.
Id: 47613
Attorney for Trustee
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
Ste. A, 8125 Adams Drive
Hummelstown, PA 17036
Ph. 717-566-6097
Fax. 717-566-8313
eMail: amchale@pamd13trustee.com

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CHAPTER 13

Debtor(s)

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

CASE NO: 5-19-04123-HWV

NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court
Max Roseann U.S. Courthouse
Courtroom #2
197 S. Main Street
Wilkes Barre, PA

Date: August 4, 2021
Time: 09:30 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Jack N. Zaharopoulos, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: info@pamd13trustee.com

Dated: June 15, 2021

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Respondent(s)

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on June 15, 2021, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

DAVID J. HARRIS, ESQUIRE
69 PUBLIC SQUARE
SUITE 700
WILKES-BARRE, PA 18701-

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

CATALDO J. GARZELLA
109 OAK ST
PITTSTON, PA 18640-3312

Served by 1st Class Mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: June 15, 2021

Respectfully,
Vickie Williams
for Jack N. Zaharopoulos, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: info@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.